

AUG 24 2005

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of : Thomas Trieselmann ) Art Unit: 1626  
Serial No. : 10/695,077 ) Examiner: Stockton, L.  
Confirmation No. : 4172  
Filed : October 28, 2003  
For : New beta-agonists, processes for preparing them and their use as  
pharmaceutical compositions  
Docket No. : 1/1408

I hereby certify that this correspondence is being facsimile transmitted to:  
Commissioner for Patents  
@ 571-273-8300 (Central Fax Number)  
on August 24, 2005

By: Alan Stempel  
Reg. No. 28,991

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION

Sir:

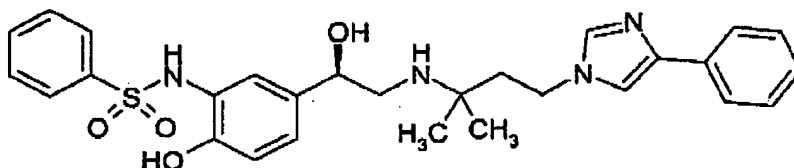
In response to the Office action mailed on June 24, 2005, please enter the following elections and further consider the application in view of these elections.

The period permitted for response is extended by 1 month by the Petition for Extension of Time which is provided herewith.

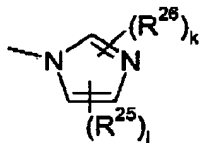
ELECTIONS

Applicant hereby elects to prosecute claims directed to the invention of Group I, claims 1-8, 11 and 12, drawn to products of the formula I wherein R<sup>6</sup> is a R<sup>25</sup> and R<sup>26</sup> substituted imidazole, classified in class 548, subclass 311.1+.

Applicant further elect as a single disclosed species the compound having the following structural formula:



The elected species is disclosed as Example 1 in Table 1 on page 31 of the application. In this compound, R<sup>6</sup> is an imidazole of the formula



wherein l and k are both 1, one of R<sup>25</sup> and R<sup>26</sup> is a hydrogen atom and the other is a phenyl group (a C<sub>6</sub>-aryl).

Respectfully submitted,

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